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10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. *2008-245*

14 **CHRISTINA J. KRESS**  
10010 Scripps Vista Way, Apt. 80  
15 San Diego, California 92131

**A C C U S A T I O N**

16 Registered Nurse License No. 264253

17 Respondent.  
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the  
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
23 Affairs.

24 2. On or about April 30, 1976, the Board issued Registered Nurse License  
25 Number 264253, to Christina J. Kress ("Respondent"). The license was in full force and effect at  
26 all times relevant to the charges brought herein and will expire on February 29, 2008, unless  
27 renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

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The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

/ / /

1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request  
3 the administrative law judge to direct a licensee found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Crime)**

8 8. Respondent is subject to discipline under Code section 2761(f) in that on  
9 or about March 2, 2004, in the case of *People v. Christina J. Kress*, (San Diego County Superior  
10 Court Case No. M914278), Respondent was convicted by the Court on her plea of guilty of  
11 violating Vehicle Code section 23152(a) (driving while under the influence of an alcoholic  
12 beverage or a drug or under their combined influence), a misdemeanor, a crime that is  
13 substantially related to the qualifications, functions or duties for which Respondent is licensed.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol)**

16 9. Respondent is subject to discipline under Code section 2761(a) on the  
17 grounds of unprofessional conduct, as defined in Code section 2762(b), in that on or about  
18 November 29, 2003, Respondent used alcoholic beverages to an extent or in a manner dangerous  
19 or injurious to herself, and the public, when she operated a vehicle while under the influence of  
20 alcohol, as set forth above in paragraph 8.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Conviction Involving the Consumption of Alcohol)**

23 10. Respondent is subject to discipline under Code section 2761(a) on the  
24 grounds of unprofessional conduct, as defined in Code section 2762(c), in that on or about  
25 November 29, 2003, Respondent was convicted of a crime involving the consumption of alcohol,  
26 as set forth above in paragraph 8.

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1 PRAYER

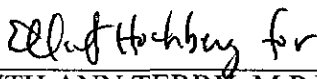
2 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 264253, issued  
5 to Christina J. Kress;

6 2. Ordering Christina J. Kress to pay the Board of Registered Nursing the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
8 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 2/14/08

11   
12 RUTH ANN TERRY, M.P.H., R.N.  
13 Executive Officer  
14 Board of Registered Nursing  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant

17 SD2006801487  
18 Accusation (kdg) 11/27/07  
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